



WISCONSIN REGULATORY DIGEST

A Publication of the EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS

Volume 3, No. 1

June, 2002

Board Member Information

▪ Resignations (completed terms):

- Patrick McGuire—Soil Science
- Herb Garn—Hydrology

▪ Appointments:

- Robert Wendt--Soil Science
- Harry Parrott--Hydrology
- Jon Guntow—Soil Science

▪ Reappointments to 7/01/06:

- Tom Evans--Geology
- Stephen Donohue--Hydrology

The Board and Department wish to thank Mr. McGuire and Mr. Garn for their years of dedicated service to the State of Wisconsin.

EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS OFFICERS:

Chair: Joan Underwood, (Plymouth)
Vice Chair: Stephen Donohue, (Green Bay)
Secretary: Tracy Benzel (Mercer)

GEOLOGISTS SECTION

Joan Underwood, Chair (Plymouth)
David Mickelson, Vice Chair (Madison)
Frederick Birts, Secretary (Milwaukee)
Thomas Evans (Madison)

HYDROLOGISTS SECTION

Stephen Donohue, Chair (Green Bay)
Robert Karnauskas, Vice Chair (Pewaukee)
Roger Hall (Appleton)
Harry Parrott (Dousman)

SOIL SCIENTISTS SECTION

Tracy Benzel, Chair (Mercer)
E. Jerry Tyler, Vice Chair (Madison)
Wayne Lindgren, Secretary (Whitewater)
Robert Wendt (Marshall)

ADMINISTRATIVE STAFF

Mary Forseth, Bureau Director

EXECUTIVE STAFF

Oscar Herrera, Secretary
Greg Horstman, Deputy Secretary
Myra Shelton, Executive Assistant

Secretary Herrera Appoints New Deputy

In January, DRL Secretary Oscar Herrera, announced the appointment of **Greg Horstman** as the Deputy Secretary of Regulation and Licensing. Horstman, a La Crosse native, joined the Department from a distinguished executive management career in the private sector. "I'm excited to serve the State of Wisconsin under Governor McCallum and to play an instrumental role in Secretary Herrera's leadership team," said Horstman. In concert with the Governor's directive to strengthen and streamline services to all constituents, Horstman will draw on his business experience to help spearhead the Department's new efforts in this area. Horstman, a graduate of the University of Wisconsin - Madison, resides in the Watertown area.

New Bureau Director Appointed

Mary Forseth has been appointed as Director of the Bureau of Business and Design Professions. Mary came to the agency in October 2000 as an Administrative Policy

Contents

Board Member Information	1
Secretary Herrera Appoints New Deputy	1
New Bureau Director Appointed	2
Renewal Deadlines.....	2
Certificates of Authorization.....	2
Inter-Agency Liaison Committee	2
Legislative Update	2-4
Requirements to Sit for Fundamentals of Geology Examination	4
American Institute of Hydrology Activities	4
Website Information.....	5
Current Licensing Statistics	5
Professional Geologists Section News	5
Professional Hydrologists Section News	5
Professional Soil Scientists Section News	5
Telephone Directory & DRL Services.....	6

Advisor to work on the operation and creation of the new Division of Professional Credentialing. Previously, she was with the Department of Transportation, most recently as Chief of New Program Development and Legislative Liaison for the Division of Motor Vehicles.

Renewal Deadlines

Licenses for professional geologists, professional hydrologists and professional soil scientists, and certificates of authority for geology firms, hydrology firms and soil science firms will expire on July 31, 2002. Renewal applications will be sent around the middle of June 2002. Persons or firms who hold a valid license in June 2002, will receive a renewal application at that time. Returned renewal applications received by the Department after the deadline date of July 31, 2002, will be assessed a \$25 late fee.

Did you know...?

Firms, partnerships or corporations practicing professional geology, hydrology or soil science are required to obtain a Certificate of Authorization. A separate Certificate of Authorization is required for geology, hydrology and soil science. The certificate is renewed by February 1st of the even-numbered year.

In addition to the credential issued by the appropriate Section of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, a corporation must also register with the Department of Financial Institutions. You must contact that agency directly to obtain the registration materials. The mailing address and telephone number is Department of Financial Institutions, Division of Corporations and Consumer Services, P.O. Box 7846, Madison WI 53707, (608) 261-9555.

To request the application packet, "Information Regarding The Application For Certificate of Authorization", please call our application request line at (608) 266-5511.

Inter-Agency Liaison Committee

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists has created an Inter-Agency Liaison Committee. The Committee consists of representatives from each section of the Examining Board and a representative from each of the following three state departments: Natural Resources (DNR), Commerce (COMM) and Agriculture, Trade and Consumer Protection (DATCP).

The Inter-Agency Liaison Committee was created because the GHSS Board has noted that various state agencies have promulgated administrative rules that affect professional activities also regulated by the Department of Regulation and Licensing. The Board has noted that some rules of DNR, COMM and DATCP define certain professional activities that are similar, but different to some degree from those of DRL. For example, DNR Chapters NR 500 and 700, DATCP Chapter ATCP 50 and COMM Chapter COMM 47 include the regulation of persons and/or professional activities that overlap with DRL. On occasion, the Examining Board receives inquiries from regulated professionals concerning clarification of apparent conflicts between the state agencies in administrative rules and statutes concerning registration of professionals.

The Committee has held several productive meetings, and plans to continue to meet periodically. Issues that have been discussed and clarified are the consistency of administrative rules among all agencies, the potential areas of conflicting goals and responsibilities between agencies, and the additional requirements for licensure beyond general licensing and regulation.

As a first, basic measure, the Committee proposed the idea of better coordination of the departments' newsletters, since they disseminate information pertinent to the professions under discussion. In addition, the Committee agreed that there was a need for interactive connections between agency websites. This would be beneficial for individuals when they access one agency's website for information on a particular issue, and then are able to connect to other state agencies with additional relevant information.

Legislative Update

Assembly Bill 358 (amended) passed both the Assembly and Senate, and has been signed into law by the Governor McCallum as 2001 Wisconsin Act 53. Although it was initially a companion bill to SB 156, AB 358 was amended by legislators to create a bill that the board did not oppose.

Act 53 creates a statutory exemption from the need for licensure for 12 classes of professionals who, while practicing, only engage in the incidental practice of professional

geology, hydrology or soil science. To view the text and history of the bill, you may visit the state legislature's website: www.state.legis.wi.us.

The Board sent the following letter of opposition to the original versions of AB 358 and SB 156 to members of the Assembly, as they were preparing to vote on the companion bills.

Dear Representative:

I am writing this letter as the Chair of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists. The Board opposes proposed legislation Assembly Substitute Amendment 1 to AB 358 (SB 156 is a companion bill to AB 358). The legislation would allow an individual claiming the undefined profession of archeology, aquatic biology, bacteriology, fish management, forestry, horticulture, limnology, mycology, plant pathology, stream ecology, wetland science or wildlife management to provide unlimited Geology, Hydrology and Soil Science services as long as the individual feels these professions overlap into their field. The legislation would also exempt government employees from licensure despite the critical role such employees have in the management of the natural resources of this state. There are three main reasons this legislation as proposed is not in the best interests of the citizens of Wisconsin. These are:

1. The exemption of government employee's provides for no required minimal level of competency for those practicing within these professions. Government employees have a critical role in Wisconsin's natural resource management and in the review of reports produced by licensed professionals. The lack of credentialed employees in the often adversarial regulatory arenas would place these governmental bodies at a distinct disadvantage in the regulatory role and in their credibility.

2. The proposed legislation changes the fundamental philosophy of the state's credentialing authority from licensing the *practice* of the professions of geology, hydrology, and soil science necessary to protect the health, safety, and welfare of Wisconsin citizens to licensing the use of the *titles* of these professions.

3. The benefits of a professional code of conduct for these professions is severely restricted, thus limiting their public practices to their areas of their own professional competence, is changed to simply requiring no improper use of a professional title and DOES NOT require the practitioners to practice within their areas of professional competency. The allowance to practice geology, hydrology, and soil science by unlicensed individuals invites the proliferation of poor practice, at best, and unscrupulous practice, at worst.

Both Assembly Substitute Amendment 1 to AB 358 and Senate Bill 156 include of list of exempted professions, by *title* only, and invite the proliferation of individuals in the natural resource management field who will call themselves a practitioner of one of these fields as a means to avoid licensure and the oversight, enforcement, and scrutiny that credentialed professions welcome.

The evidence of potential impacts from these proposed changes that may affect public health, safety, and welfare proliferates while the evidence that complementary professions will not be allowed to practice within their areas of expertise DOES NOT. Following are just two examples of how this proposed legislation could affect the citizens of Wisconsin.

Examples of Unqualified Practice

1. A large lake near Madison was designed as wetland mitigation project. It included the construction of the lake and development of wetlands that have now become a valuable and managed natural resource for citizens of the state. Under the proposed rules, the completion of this project – a wetland mitigation project – could be done by anyone as long as the project was considered a wetland project and not an engineering, hydrologic, soil science, or geologic project. In reality, it requires engineers, geologists, and hydrologists as well as biologists and wetland specialists to adequately understand and design the project. Without the use of these licensed professionals, the project could easily result in significant flooding to area homes and streams, and mismanagement of storm water runoff. In addition, the licensed professionals completing

the work were required to use additional related professionals (wetland scientists) because they were bound by the code of ethics.

2. This illustrates that with the proposed legislation, as long as a professional simply does not use a design/earth science discipline in the title of their project, any profession can do the work with no recognized minimal level of competency.

3. Metallic mineral development is a controversial natural resource management issue in Wisconsin. Under Assembly Substitute Amendment 1 to AB 358 and Senate Bill 156, government employees engaged in critical regulatory oversight may not be licensed professionals. Even in those cases where the work of unlicensed employees is overseen by licensed professionals in the regulating departments (such as the Wisconsin Department of Natural Resources), testimony in adversarial engagements related to potential permitting of mineral extraction sites would be compromised in the give-and-take of adversarial exchange before administrative law judges. In other words, the State of Wisconsin cannot be most effectively represented in the regulatory arena of metal mining by individuals whose professional credentials are inadequate or simply subject to oversight by a licensed professional who does not have a recognized minimal level of competency.

In summary, the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists is opposed to Assembly Substitute Amendment 1 to AB 358 and Senate bill 156 in their present form. The Board's willingness to work with the critical legislative committees and affected professions to delineate "incidental practice" needs your support as offered by numerous legislators during the May Legislative Hearing. Boardmembers have testified urging modification to the legislation as it is currently written and offer to meet with you, your staff and colleagues to find satisfactory solutions. The Board has already taken a number of steps to do this including inviting professionals with concerns to our board meetings to discuss this, and forming a committee with DNR, Dept of Commerce, and Dept of Agriculture.

*Please vote against the proposed legislation.
Thank you.*

The board intends to continue the current policy of being complaint-driven. We encourage any group to come to a board meeting to discuss the parameters of their specific practice. The board continues to focus on the parameters of professionals who practice in state agencies. As mentioned above, the new Inter-Agency Liaison Committee plans to discuss ways to solve any current conflicts regarding licensure.

Requirements to Sit for Fundamentals of Geology Examination

College seniors are eligible to take the Fundamentals of Geology (FG) examination, which is the first step in the process to qualify for a Wisconsin geologist license. Eligibility for the Principles of Geology (PG) examination requires several years of practice after obtaining a bachelor's degree. The National Association of State Boards of Geology (ASBOG) offers the examinations twice annually in March and September, and the examinations are given at the Department of Regulation and Licensing offices in Madison.

Eligibility for the Fundamentals of Geology examination requires that an applicant be at least a second semester senior with at least 24 semester hours or 36 quarter hours of course credits in geology in a bachelor program from an accredited program meeting requirements defined in GHSS 2.05, or have four years of experience which is determined by the Professional geologist Section to meet the requirements of GHSS 2.04(1). More information can be found in the brochure "Becoming a Professional Geologist in Wisconsin: A Student Guide", which is available from the Department of Regulation and Licensing and Wisconsin schools with geology programs.

American Institute of Hydrology (AIH) Activities

Last fall, Herb Garn, member of the Hydrologists Section, attended the 20th Annual Meeting and International Conference of the AIH in Bloomington, Minnesota. Mr. Garn represented the Section in a discussion related to future exam administration by the AIH, and also provided an update on the status of the licensing program in Wisconsin. The conference included a special session on "Challenges in Registration and Certification of

Professional Hydrologists," at which Mr. Garn gave a slide presentation on the status and experience of licensing professional hydrologists in Wisconsin. Attendees were interested in Wisconsin's experience and felt we may serve as a model for other states interested in pursuing a licensing program.

AIH has agreed to assume responsibility for maintaining and administering the Wisconsin hydrology examination, and will also be using it for AIH certification. An applicant passing the exams will be qualified for AIH certification and also will qualify for registration as a professional hydrologist in Wisconsin. AIH will be administering the fundamentals and principles and practice exams in 2002. The exam schedule will be changed in 2002 to offer the exams in May and November, rather than in January and July as previously given.

Information about the exam is provided on the AIH web site (www.aihydro.com) and may also be found on the DRL website (www.drl.state.wi.us). AIH is hopeful that the same exam may also be used for registration in other states and is seeking committed volunteers from the organization to urge other states to promote registration of hydrologists and to use the exams. The current chair of the AIH Examination Committee is Antonius (Tony) Laenen. For more information, contact AIH at aihydro@aol.com

www.drl.state.wi.us

Did you know that these digests, along with many other informational materials, are on the Department's website? Monthly press releases of disciplinary actions and complete disciplinary orders for each case are also posted on the website. In addition, you can check on the status of a pending application or a credential holder's record. You can also e-mail an address change, question, or suggestion via the website. Future goals for the Department will be to post applications for downloading and provide on-line renewal of credentials. If you haven't looked at the website lately, check it out for insights and answers to a variety of questions.

Current Licensing Statistics

Number of active licensees as of April 25, 2002:

Professional Geologists	1041
Professional Hydrologists	179
Professional Soil Scientists	187
Geology Firms	34
Hydrology Firms	10
Soil Science Firms	10

A reminder to all firms who practice in these areas: your firm must obtain a Certificate of Authorization from the Department in order to practice geology, hydrology or soil science in the State of Wisconsin.

PROFESSIONAL GEOLOGISTS SECTION

Section Meeting Dates in 2002

June 19, October 23

All meetings are held at 1400 East Washington Avenue, Madison WI. Meetings are open to the public. Meeting dates are subject to change.

Examination Dates for 2002

<u>Exam Date</u>	<u>Deadline for Applications</u>
October 4, 2002	August 4, 2002

PROFESSIONAL HYDROLOGISTS SECTION

Section Meeting Dates in 2002

May 21, September 24

All meetings are held at 1400 East Washington Avenue, Madison WI. Meetings are open to the public. Meeting dates are subject to change.

Examination Dates for 2002

<u>Exam Date</u>	<u>Deadline for Applications</u>
November 8, 2002	September 8, 2002

PROFESSIONAL SOIL SCIENTISTS SECTION

Section Meeting Dates in 2002

June 25, October 22

All meeting are held at 1400 East Washington Avenue, Madison WI. Meetings are open to the public. Meeting dates are subject to change.

Examination Dates for 2002

<u>Exam Date</u>	<u>Deadline for Applications</u>
October 5, 2002	August 5, 2002

Disciplinary Actions

None

Department of Regulation and Licensing
Examining Board of Professional Geologists,
Hydrologists and Soil Scientists
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

PRSRT STD
U.S. Postage
Paid
Madison, WI
Permit No. 1369

RETURN SERVICE REQUESTED

Telephone Directory

The Department of Regulation and Licensing has implemented an IVR Auto-Attendant Telephone System. This system may be accessed 24 hours a day for computerized licensing information. We ask for your patience as we perfect the system and remove some of the bugs we have encountered. You may continue to dial the following telephone number; however, the extension numbers that had been published in past issues of the Regulatory Digest are no longer valid. Please listen to the new menu for the new extension numbers. The number to dial is:

(608) 266-5511

Our Fax Number is: **(608) 267-3816**

Visit the Department's Web Site at:

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to web@drl.state.wi.us.

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Code Relating to the Regulation of Professional Geologists, Hydrologists and Soil Scientists can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated January, 2000.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

Subscription Service

Bi-annual digest subscriptions are published for all Boards housed within the Department at a cost of \$2.11 each per year. CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

Subscription Service Order Form

Name

Company/Organization

Street Address/P.O. Box

City/State/Zip + 4

County

Digest(s) desired:

\\WIS_DRL_01\DATA2GB\GROUPS\WORDPROC\DIGEST\GHSS0602.doc